

JAMES P. KEMP, ESQ.
Nevada Bar No. 006375
KEMP & KEMP
7435 West Azure Drive, Suite 110
Las Vegas, NV 89130
(702) 258-1183 / (702) 258-6983 Fax
jp@kemp-attorneys.com
Attorney for Plaintiff Louis Avila

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LOUIS AVILA,

Plaintiff,

vs.

THE STATE OF NEVADA on Relation of its
DEPARTMENT OF ADMINISTRATION
PUBLIC WORKS DIVISION,

Defendant.

Case No. 2:23-cv-00786-ART-EJY

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER**

**[SUBMITTED IN COMPLIANCE WITH
LR 26-1(b)]**

Pursuant to Federal Rule of Civil Procedure 26(f), Defendant and Plaintiff, LOUIS AVILA, through their respective counsel, submit the following proposed Discovery Plan and Scheduling Order.

(1) Discovery Cut Off Date. The parties request a discovery period of one hundred eighty (180) days from June 6, 2023 the date Defendant THE STATE OF NEVADA on Relation of its DEPARTMENT OF ADMINISTRATION PUBLIC WORKS DIVISION's Answer was filed. Therefore, the parties request that the discovery period close on **December 4, 2023** [December 3rd being a Sunday].

(2) Amending the Pleadings and Adding Parties. The date for filing motions to amend the pleadings or to add parties shall not be later than ninety (90) days prior to the close of discovery: **September 6, 2023.**

(3) Expert Witness Disclosures. The disclosure of any expert witnesses shall be made

1 sixty (60) days before the discovery deadline: **October 6, 2023**. The disclosures of any rebuttal
2 experts shall be due thirty (30) days after the initial disclosures of experts: **November 6, 2023**
3 [November 5 being a Sunday]. The requirements of F.R.C.P. 26(a) (2) (B) shall apply to any
4 such disclosures.

5 (4) Dispositive Motions. Dispositive motions shall be filed not later than thirty (30)
6 days after the discovery cut-off date: **January 3, 2024**.

7 (5) Pretrial Order. The Joint Pretrial Order shall be filed not later than thirty (30) days
8 after the date set for filing dispositive motions: **February 2, 2024**. However, in the event that
9 dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until
10 thirty (30) days after a decision on the dispositive motions or further order of the Court.

11 (6) Rule 26(a) (3) Disclosures. The disclosures required by Rule 26(a) (3) and any
12 objection thereto shall be included in the Pretrial Order.

13 The parties made their Initial Disclosures on **July 12, 2023**. No changes need to be made
14 in the timing, form or requirements for such disclosures.

15 (7) Electronically Stored Information. The parties have undertaken efforts to retain
16 any electronically stored information relevant to this matter and have agreed that, unless the
17 requesting party asks for a definite and specific form, the party producing any electronically
18 stored information need not provide such information in any certain form as long as the form
19 provides the other party (ies) reasonable access to the information. The parties have further
20 agreed that, to the extent any party seeks electronically stored information that would be
21 cumulative, burdensome or unduly costly to produce, counsel for the parties will confer in good
22 faith to reach a mutual agreement regarding the production of such information.

23 (8) Protection of Privileged/Trial Preparation Materials. The parties prefer to handle
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1 these issues on an ad hoc basis as no consensus can be reached in advance.

2 (9) Subjects on Which Discovery Will be Conducted. The parties are in agreement
3 that discovery will be needed on the Plaintiff's claims, Defendants' denials and the affirmative
4 defenses raised in the Answers. No changes should be made on the limitations of discovery
5 imposed under Federal Rules of Civil Procedure or local rules.
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7 (10) Alternative Dispute Resolution. The parties certify they have met and conferred
8 about the possibility of using alternative dispute-resolution processes including mediation,
9 arbitration and early neutral evaluation.

10 (11) Alternative Forms of Case Disposition. The parties certify they have considered
11 consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed.R.Civ.P. 73 and the use of
12 the Short Trial Program (General Order 2013-01)
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1 (12) Electronic Evidence. The parties certify they have discussed whether they intend
2 to present evidence in electronic format to jurors for the purposes of jury deliberations.
3 Discussions between the parties will be ongoing as the trial date approaches and any electronic
4 evidence will be presented in a format compatible with the court's electronic jury evidence
5 display system.
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7 Discovery does not need to be conducted in phases or limited or focused on particular
8 issues.

9 /s/ James P. Kemp
10 James P. Kemp, Esq.
11 KEMP & KEMP ATTORNEYS AT LAW
12 7435 West Azure Drive, Suite 110
13 Las Vegas, NV 89130
14 (702) 258-1183/ 258-6983 fax
15 Attorney for Plaintiff
16 Louis Avila

/s/ Cameron V. Vandenberg
Aaron D. Ford, Attorney General
Cameron V. Vandenberg,
Chief Deputy Attorney General
Alina Kauff, Deputy Attorney General
PERSONNEL DIVISION
555 E. Washington Ave., Suite 3900
Las Vegas, Nevada, 89101
Attorneys for Defendant, Department
of Administration Public Works Division

16 IT IS SO ORDERED:

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18 UNITED STATES MAGISTRATE JUDGE

19 Dated: July 13, 2023
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